

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

CHARLES E. BROWN, JR.,

Plaintiff,

v.

Case No. 2:18-cv-13808

District Judge George C. Steeh

Magistrate Judge Anthony P. Patti

FAURECIA AUTOMOTIVE  
SEATING, LLC a foreign  
limited liability company,  
FAURECIA AUTOMOTIVE  
SEATING, INC a foreign  
profit corporation, ROBIN  
DEIBIS, in her individual  
and corporate capacities,  
NICOLE LOGAN, in her  
individual and corporate  
capacities, and  
GUILLERMO MEDINA, in  
his individual and corporate  
capacities,

Defendants.

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**ORDER GRANTING AS UNOPPOSED DEFENDANTS FAURECIA  
AUTOMOTIVE SEATING, LLC, FAURECIA AUTOMOTIVE SEATING,  
INC, NICOLE LOGAN, AND GUILLERMO MEDINA'S MOTION TO  
COMPEL DISCOVERY RESPONSES (DE 9)**

Currently before the Court is Defendants Faurecia Automotive Seating, LLC, Faurencia Automotive Seating, Inc., Nicole Logan, and Guillermo Medina's June 18, 2019 motion to compel discovery responses, which has been referred to me. (DEs 9, 10.)

According to the motion, on March 25, 2019, counsel for Defendants served on Plaintiff its first requests for production and interrogatories. (DE 9.) Defendants inquired three times regarding the status of Plaintiff's discovery responses after the April 24, 2019 deadline. Additionally, Defendants sent Plaintiff a proposed stipulated order compelling discovery with a proposed deadline of June 25, 2019. Plaintiff has not responded to Defendants regarding the stipulation and motion to compel.

Defendants filed the instant motion to compel on June 18, 2019 seeking an order compelling Plaintiff to respond to the requests for production and interrogatories. (DE 9.) "A response to a nondispositive motion must be filed within 14 days after service of the motion." E.D. Mich. LR 7.1(e)(2)(B). Thus, in the absence of a scheduling order stating otherwise, Plaintiff's response to Defendants' June 18, 2019 motion (DE 9) would have been due on or about July 2, 2019. *See* Fed. R. Civ. P. 6(a), 6(d). To date, Plaintiff has not responded to Defendants' motion.

The local court rules of the Eastern District of Michigan required Plaintiff to file a response if he wished to oppose Defendant's motion to compel. *See* E.D. Mich. LR 7.1(c)(1) ("A respondent opposing a motion must file a response, including a brief and supporting documents then available.") (emphasis added). Opposition to a motion is deemed waived if the responding party fails to respond

or otherwise oppose the motion. *See Humphrey v. United States Attorney General's Office*, 279 F. App'x 328, 331 (6th Cir. 2008). Because Plaintiff has not responded to Defendants' motion to compel discovery responses, Defendants' motion can and will be construed as unopposed.

Accordingly, Defendants' motion to compel discovery responses is **GRANTED as unopposed**, and Plaintiff must respond to Defendants' First requests for production and interrogatories, and produce all responsive documents, by **WEDNESDAY, July 24, 2019**. All objections are deemed waived. To the extent that any requests to admit within the discovery requests at issue have not been already been responded to, they are deemed admitted, pursuant to Fed. R. Civ. P. 36(a)(3). Finally, costs and attorney fees are awarded to Defendant pursuant to Fed. R. Civ. P. 37(a)(5)(A). Accordingly, the parties are directed to meet and confer to attempt to stipulate the amount of costs and attorney fees to be awarded. If the parties cannot so stipulate by **MONDAY, JULY 22, 2019**, Defendant is directed to submit an itemized bill of costs for the Court's consideration via ECF on or before **MONDAY, JULY 29, 2019** in support thereof. Thereafter, any specific objections to the amount of fees or costs being sought must be filed by Plaintiff on or before **FRIDAY, AUGUST 9, 2019**.

**IT IS SO ORDERED.**

Dated: July 10, 2019

s/*Anthony P. Patti*

Anthony P. Patti  
UNITED STATES MAGISTRATE JUDGE